

Fordham International Law Journal

Volume 42, Issue 2

Article 1

International Legal Ethics: The Evolution of a Field

Deborah L. Rhode*

*

Copyright © by the authors. *Fordham International Law Journal* is produced by The Berkeley Electronic Press (bepress). <https://ir.lawnet.fordham.edu/ilj>

INTRODUCTION

INTERNATIONAL LEGAL ETHICS: THE EVOLUTION OF A FIELD

*Deborah L. Rhode**

I.	THE EMERGENCE OF INTERNATIONAL LEGAL ETHICS	220
A.	The Historical Backdrop: The Evolution of Legal Ethics and then International Legal Ethics in the United States	220
B.	External Forces for Change: Globalization, Technology, Politics, and Law	222
C.	Internal Forces for Change: The Stakes for Legal Academy and the Legal Ethics Community	224
II.	A ROADMAP FOR THE SYMPOSIUM	228

It is a great honor and pleasure to introduce this Symposium Book. People often say this with varying degrees of sincerity, but as an ethics professor, I aim to stay within fighting distance of the truth, and on this occasion, that is not difficult. Academics joke that conferences are the leisure of the theory class, but that is not all they are. For many of us, they are a critical part of how we gain new understandings, forge new friendships, and sustain crucial relationships. Participants in this Symposium include many people from whom I have learned so much. As colleagues, coauthors, and former students, we have all been coconspirators in the effort to leave the legal profession a little better than we found it. No individuals have been more important in that enterprise than Bruce Green and Russell Pearce, whose leadership of the Fordham University School of Law Louis Stein Center for Law and Ethics (“Stein Center”) has been so critical for advancing work on legal ethics in general and international legal ethics in particular.

* Ernest W. McFarland Professor of Law and Director of the Center on the Legal Profession, Stanford University. I am indebted to Laurel Terry, a leader in international legal ethics, for assistance on this draft, and for so much else.

The aim of this Introduction is to provide both a brief overview of how international legal ethics evolved as a field, and then a brief roadmap to the commentary that follows. By situating the contents of this Symposium within their broader discipline, I hope to illustrate what our profession has to gain from a global ethics perspective.

I. THE EMERGENCE OF INTERNATIONAL LEGAL ETHICS

A. The Historical Backdrop: The Evolution of Legal Ethics and then International Legal Ethics in the United States

I begin with a brief overview of the evolution of legal ethics in the United States, both because this is the history I know best, and because I have reason to believe that it is typical of what has occurred in many other countries. The field is relatively recent and has struggled for respect, and most of its leaders appear to have started with a domestic focus before realizing the importance of a global perspective.¹ When I graduated from law school four decades ago, this subject was noticeable for its absence. In 1974, in the wake of the Watergate scandal, the American Bar Association (“ABA”) first began requiring accredited law schools to provide all students with “instruction in the duties and responsibilities of the legal profession.”² But interest in enforcing the requirement was, to put it politely, almost nonexistent. My law school, Yale, like many other institutions, claimed that it was providing ethics instruction by the pervasive method. I do not recall it ever coming up in even one of my courses, including international law. I stumbled on the topic by accident in a clinic, which tried to put out a “do-it-yourself” divorce kit for the poor and raised the ire of the organized bar. My outrage at the profession’s self-serving efforts to suppress such aid on grounds that it constituted unauthorized practice of law led to my current career. And sad to say, that choice was discouraged by every mentor and law school appointments committee I spoke with. Legal ethics as a field was viewed as short on content and long on platitudes: “general piffle” was the prevailing description.³ A joke that I heard endlessly was that legal ethics was to ethics as military

1. I am indebted for this point to Laurel Terry. Email from Laurel Terry, H. Laddie Montague Jr. Chair in Law, Penn State Dickinson, to author (Nov. 4, 2017) (on file with author).

2. American Bar Association, Standards for the Approval of Law Schools std. 302(a)(iii) (1974).

3. George Costigan, Jr., *The Teaching of Legal Ethics*, 4 AM. L. SCH. REV. 290, 295 (1917).

music was to music. The assumption was, as an early *ABA Journal* editorial put it, that the “right kind of law student already knows what constitutes moral and ethical conduct, and . . . a formal course in Legal Ethics will not supply the proper sort of character training for students who are not the right kind.”⁴

American bar examiners and practitioners treated the subject with equal disdain. Indiana was typical in asking applicants to write short paragraphs on “what the [state’s] code of ethics means to me.”⁵ It is not clear that anyone read them.⁶ Bar continuing legal education (“CLE”) courses gave almost no attention to ethical issues because, as administrators explained, it had been “almost impossible to interest lawyers on a large scale in their ethical . . . roles.”⁷ One mid-1970s survey of forty-eight state bars found no offerings of ethics in continuing legal education courses.⁸ The reason, according to one state CLE director, was that lawyers will not “waste their time on something that won’t help them make money.”⁹

Nor, until relatively recently, were the vast majority of American lawyers or legal academics interested in viewing legal ethics through an international lens. A 1987 ABA survey of professional responsibility courses in US law schools found only four course books in the field, and none included any significant coverage of global issues.¹⁰ That includes, I am ashamed to acknowledge, my own early text coauthored with Geoffrey Hazard, the reporter for the ABA’s Model Rules of Professional Conduct.¹¹ The casebook I coauthored with David Luban a decade later compounded the sin; fewer than ten of its over 1,000 pages included international perspectives.¹² My only

4. Charles H. Kinnane, *Compulsory Study of Professional Ethics by Law Students*, 16 ABA J. 222 (1930) (internal quotation marks omitted).

5. Thomas Schaffer, *Legal Ethics after Babel*, 19 CAP. U. L. REV. 989, 991 (1990).

6. *Id.*

7. Paul A. Wolkin, *From Arden House, 1958, to Boulder, 1968*, 41 COLORADO L. REV. 328, 332 (1969).

8. K.C. Cole Janssen, *We’ll Murder Them in August: Who Decides How Ethics Should Be Taught?*, 4 JURIS DR. 19 (1974).

9. *Id.* at 20 (quoting John W. Ester).

10. CENTER FOR PROFESSIONAL RESPONSIBILITY, A SURVEY ON THE TEACHING OF PROFESSIONAL RESPONSIBILITY 11 (American Bar Association, 1986) (citing casebooks by Kaufman, Hazard and Rhode, Morgan and Rotunda, and Schwartz and Wydick).

11. GEOFFREY C. HAZARD, JR. & DEBORAH L. RHODE, *THE LEGAL PROFESSION: RESPONSIBILITY AND REGULATION* (1985).

12. DEBORAH L. RHODE & DAVID LUBAN, *LEGAL ETHICS* 169-78 (1994) (discussing the inquisitorial system).

defense is that I was in good company. Laurel Terry conducted a survey of ethics articles for the thirtieth anniversary edition of the *Georgetown Journal of Legal Ethics*.¹³ She found that in the *Journal's* first decade, it published only six articles that explicitly addressed global developments, less than a sixth of the number it featured in the most recent decade.¹⁴ Until relatively recently, most Americans working in the field of legal ethics were ignorant and/or uninterested in global issues; we did not know what we did not know. And part of what we did not know was that this was a problem.

B. External Forces for Change: Globalization, Technology, Politics, and Law

What changed? Well, to begin, the world. Because the subject is large and my time is short, I will focus on the international development of legal ethics. But it bears note that in most nations, this development occurred in tandem with progress in the domestic field of legal ethics as well.¹⁵

In the space of just a few decades, globalization has transformed the entire legal landscape.¹⁶ The growth in size and numbers of global clients created a corresponding market for global law firms, with international branch offices. More and more American lawyers are practicing abroad.¹⁷ More and more foreign lawyers are studying and practicing in the United States.¹⁸ And even attorneys with a

13. Laurel S. Terry, *The Impact of Global Developments on U.S. Legal Ethics During the Past Thirty Years*, 30 GEO. J. LEGAL ETHICS 365 (2017).

14. *Id.* at 370-71.

15. For discussion of the evolution of legal ethics in US law schools, see DEBORAH L. RHODE, IN THE INTERESTS OF JUSTICE: REFORMING THE LEGAL PROFESSION 200 (2000); Deborah L. Rhode, *Ethics by the Pervasive Method*, 42 J. LEGAL EDUC. 31, 31-38 (1992).

16. *Id.* Laurel S. Terry, *U.S. Legal Ethics: The Coming of Age of Global and Comparative Perspectives*, 4. WASH. U. GLOBAL STUD. L. REV. 463 (2005); Laurel S. Terry, Steve Mark & Tahlia Gordon, *Trends and Challenges in Regulation of Lawyers: The Impact of Globalization and Technology*, 80 FORDHAM L. REV. 2661 (2012).

17. Carole Silver, *Local Matters: Internationalizing Strategies for U.S. Law Firms*, 14 INDIANA J. GLOBAL LEGAL STUD. 67 (2007); *Outward Bound*, AM. LAW., Oct. 2014, at 67. Of the world's 100 largest law firms, only five did not have at least one office. *The Global 100*, AM. LAW., Oct. 2016, at 75.

18. For changes in US legal ethics rules that responded to this trend, see Laurel S. Terry, *Globalization and the ABA Commission on Ethics 20/20: Reflections on Missed Opportunities and the Road Not Taken*, 43 HOFSTRA L. REV. 95 (2014); Terry, *supra* note 13, at 385.

predominantly local practice are bumping up against more cross-national issues, including ones involving ethics.¹⁹

Technology has accelerated these trends. Email, Skype, and internet websites made global communications and commerce cheaper and easier. These innovations have also presented new challenges for bar ethics regulation. What constitutes privileged communications, or impermissible advertising, solicitation, conflicts of interest and unauthorized practice of law has become increasingly unclear in a world of conflicting ethical rules.²⁰ Complexities and ambiguities in the rules governing those conflicts between rules create further ethical challenges.²¹ So too, technology has democratized the search for knowledge in ways that particularly assist global research. Access to international legal materials are now within reach of anyone with a computer or cell phone. Scholars interested in ethical rules and secondary sources from foreign nations no longer need to travel or hire local researchers. Online publications and search engines have enabled law professors in any country to at least dabble in international legal ethics.

Political and legal developments in the United States and other countries have also increased the importance of the field. In the United States, ABA and governmental efforts to promote the rule of law and build legal capacity abroad have posed new ethical challenges.²² So has the growth in public and private international law tribunals.²³ International trade agreements covering legal services and EU regulations governing foreign lawyers have had further implications for

19. Every US state now has annual exports of more than a billion dollars. 2017 NAICS Total All Merchandise Exports to World, U.S. Dept. of Commerce, International Trade Admin., <http://tse.export.gov/TSE/TSEHome.aspx> [<https://perma.cc/6CQT-R9S8>].

20. See, e.g., Nathan Powell, Comment, Lawyers' Ethical Obligations in a Cyber Practice, 29 GEO. J. LEGAL ETHICS 1237 (2016). Recognition of these complexities was part of what inspired the ABA Commission on Ethics 20/20. See Terry, *supra* note 13, at 385.

21. For discussion, see DEBORAH L. RHODE, DAVID LUBAN, SCOTT L. CUMMINGS & NORA FREEMAN ENGSTROM, LEGAL ETHICS 73-78 (7th ed. 2018).

22. See Terry, *supra* note 13, at 375; James Hefferman, *An American in Beijing: An Attorneys' Ethical Considerations Abroad with a Client Doing Business with a Repressive Government*, 19 GEO. J. LEGAL ETHICS 721; James E. Moliterno, *Exporting American Legal Ethics*, 43 AKRON L. REV. 767, 769 (2010).

23. Catherine A. Rogers et al., *Challenges of Transnational Legal Practice: Advocacy and Ethics*, 103 AM. SOC'Y INT'L L. PROC. 255 (2009); Robert W. Wachter, *Ethical Standards in International Arbitration: Considering Solutions to Level the Playing Field*, 24 GEO. J. LEGAL ETHICS 1143 (2011).

the legal profession.²⁴ Bar regulatory reforms in Australia and the United Kingdom have also had far-reaching impact on legal practice outside their borders. Australia has permitted the world's first publicly traded law firms, and the United Kingdom has allowed lawyers to practice in "alternative business structures" with non-lawyer owners.²⁵ Both developments raise competitive concerns for traditional law firms in an increasingly global market.

C. Internal Forces for Change: The Stakes for Legal Academy and the Legal Ethics Community

The growth of international legal ethics has reflected not only changes in legal practice but also changes in the community of legal ethicists. As the world changed, so did we.

Part of the impetus has come from self-interest. I use the term not only in the narrow sense of financial well-being, but also in the broader sense of fostering intellectual growth and informed policies. From an economic standpoint, law schools in the United States and throughout the world have had much to gain from developing international curricula and attracting foreign law students. When I graduated from law school, there were only about ten US summer law programs abroad.²⁶ By the turn of the twenty-first century, there were nine times that many, and their participants bring global perspectives home with them.²⁷ The number of foreign students in US law schools has similarly grown, and they now constitute a majority of LLM students.²⁸ Non-JD

24. Terry, *supra* note 13, at 377-78; Laurel S. Terry, *From Gats to APEC, The Impact of Trade Agreements on Legal Services*, 43 AKRON L. REV. 875 (2010); Terry, *supra* note 16, at 531.

25. For the emergence of the first publicly traded Australian law firm, see Steven Mark & Tahlia Gordon, *Innovations in Regulation—Responding to a Changing Legal Services Market*, 22 GEO. J. LEGAL ETHICS 501 (2009). For alternative business structures under the UK Legal Services Act, see Legal Services Act 2007, c. 29 pt. 6 (Eng. & Wales); ABA Comm'n on Ethics 20/20 Working Grp. on Alt. Bus. Structures, Issues Paper Concerning Alternative Business Structures (Apr. 5, 2011).

26. Terry, *supra* note 13, at 517, n. 239.

27. The ABA lists ninety. *Foreign Summer and Intersession Programs*, ABA, https://www.americanbar.org/groups/legal_education/resources/foreign_study/foreign_summer_winter_programs/ [https://perma.cc/PG2H-85ZJ]. Terry cites 173. Terry, *supra* note 13, at 517.

28. Terry, *supra* note 13, at 518. Just in the last five years, between 2011 and 2016, the number of JD nonresident foreign enrollment grew from 2616 to 3525, and the number of LLMs (including foreign students) has grown from 10170 to 13677. See *Law School Enrollment*, L. Sch. Transparency, <https://www.lawschooltransparency.com/reform/projects/Non-JD-Enrollment/#> [https://perma.cc/L77N-8DL7]; *2016 Standard 509 Information Report Data Overview*, ABA, https://www.americanbar.org/content/dam/aba/administrative/legal_

graduate enrollment, including LLMS has increased by seventy-nine percent over the last fifteen years.²⁹ The influx of students with diverse backgrounds and experiences has introduced more international perspectives into the classroom and broadened extracurricular programming as well.

The rapid growth of international law journals and conferences has reflected and reinforced global interests. When I attended law school, there were only fifteen US law reviews with a foreign, comparative, or international focus.³⁰ By the turn of the twenty-first century, there were seventy-three, and other countries have experienced similar growth.³¹ Some of these journals, as well as other student-run publications, have actively sought articles on international legal ethics. *Legal Ethics*, an international journal published in the United Kingdom with an internationally diverse board of editors and rotating managing editor position, has been a leader in this effort. So too has the *Fordham International Law Journal*, which has encouraged its authors to collaborate with ethics scholars from other countries. My own work has been immeasurably enriched by these collaborations.³²

The growth of international legal ethics conferences has had similar influence. Fordham's Stein Center was again a pioneer in this development. In the early 1990s, the Stein Center (then, the Stein Institute for Law and Ethics) sponsored a conference that resulted in a publication by its director, Mary Daly, and colleague, Roger Goebel.³³ There were a scattered number of other conferences around the same time that considered issues related to international legal ethics, including a 1999 Paris Forum on Transnational Practice, a 1995 conference as part of an annual series sponsored by the ABA Center's for Professional Responsibility, and a 1996 Paris meeting of the

education_and_admissions_to_the_bar/statistics/2016_standard_509_data_overview.authcheckdam.pdf [https://perma.cc/JH7B-CYWH]. At least seventy schools offer an LLM program for international students or foreign lawyers. *Programs by Category*, ABA, https://www.americanbar.org/groups/legal_education/resources/llm-degrees_post_j_d_non_j_d/programs_by_category.html [https://perma.cc/5NS9-ALNM].

29. *Law School Enrollment*, *supra* note 28.

30. Carole Silver, *Studying Singapore: Internationalizing the U.S. Law School Curriculum*, 51 J. LEGAL EDUC. 75, 78 (2001).

31. *Id.*

32. See, e.g., Deborah L. Rhode & Alice Woolley, *Comparative Perspectives on Lawyer Regulation: An Agenda for Reform in the United States and Canada*, 80 FORDHAM L. REV. 2761 (2012).

33. RIGHTS, LIABILITY, AND ETHICS IN INTERNATIONAL LEGAL PRACTICE (Mary C. Daley and Roger Goebel eds., 1995).

Association of Professional Responsibility Lawyers.³⁴ However, what really helped launch the field were conferences, beginning in 2004, that led to the creation of the International Association of Legal Ethics. In 2004, Professors Kim Economides and Julian Webb, the founders of the journal *Legal Ethics*, convened a group of about forty scholars, mainly from the United Kingdom and United States, in Exeter, England.³⁵ According to a summary of that event, although it included about ninety percent of the ethics professors in England and Wales, there were not enough to fill a London bus.³⁶ Since that gathering, conferences were held about every two years, and profiled in *Legal Ethics*.³⁷ Participation grew steadily, and by the seventh annual conference held here in 2016 under the able watch of Bruce Green, the numbers had increased ten times over; 420 participants attended from some sixty countries.³⁸

My own belated entry into the field came at the third such conference, in 2009 on Australia's Gold Coast. The exceptionally enterprising organizers managed to raise enough funding to lure a critical mass of Americans to attend. Yes, even ethicists can be bought for the price of a business class plane ticket. As it happened, however, we were a good investment. Seized with guilt that we had not done more to support this emerging field earlier, we resolved to host the next conference in the United States. I, being the most susceptible to shame, foolishly offered Stanford as a site for some 200 new-found friends.³⁹ Then, because no good deed goes unpunished, I helped herd the cats that established the International Association of Legal Ethics. It now sponsors these conferences, as well as related activities.⁴⁰ And some of the work of these conferences has landed in edited collections on comparative legal ethics that reach wider audiences.⁴¹ Much as I would

34. Laurel S. Terry, *An Introduction to the Paris Forum on Transnational Practice for the Legal Profession*, 18 DICKINSON J. INT'L L. 1 (1999); Terry, *supra* note 13, at 382, 383-84.

35. Christine Parker, *Editorial*, 13 LEGAL ETHICS v, vi (2010).

36. Sue Nelson, *Reflections from the International Conference on Legal Ethics from Exeter*, 7 LEGAL ETHICS 159 (2004).

37. Parker, *supra* note 35, at vi.

38. Reid Mortensen, *The ethics and regulation of lawyers worldwide: the seventh international legal ethics conference*, 20 LEGAL ETHICS 151 (2017).

39. Vivien Holmes & Kath Hall, *International Legal Ethics Conference IV: The Legal Profession in Times of Turbulence*, 13 LEGAL ETHICS 379 (2012).

40. See *History of IAOLE*, INT'L ASSOC. OF LEGAL ETHICS, <http://www.iaole.org/conferences/history-of-iaole/> [https://perma.cc/7V3Y-ZUZA].

41. The Third Conference led to edited collections of essays. See *ALTERNATIVE PERSPECTIVES ON LEGAL ETHICS* (Francesca Bartlett, Reid Mortensen & Kieran Tranter eds.,

like to attribute all of these early efforts to selfless altruism, in fact there was a healthy measure of self-interest. We were all learning new things from our involvement. But also, like many at this conference, most of us felt some responsibility to give back, or pay it forward, or whatever the appropriate metaphor is. We were, after all, ethicists.

After decades of relative insularity, many of us working on professional responsibility issues came to appreciate how much we had to learn from scholarship and regulatory structures outside our national boundaries. And we also came to recognize the need to jog the public in general, and bar associations in particular, out of their complacency. That is particularly true in the United States. In one of the only surveys on point, although just thirty percent of Americans were either very or extremely confident in the nation's justice system, eighty percent agreed that "in spite of its problems," that system "is still the best in the world."⁴² This is not the occasion to explore everything problematic about that perception. There is a cottage industry of critiques of our adversarial framework, and its deficiencies in comparison to models in other countries.⁴³ My point here is simply that much of American confidence is founded on a profound ignorance about other systems of justice and the bar ethical norms that shape them.⁴⁴

Academics are not the only members of the legal ethics community who have come to appreciate the value of international perspectives and insights. Organizations including the Association of Professional Responsibility Lawyers ("APRL"), and the National Organization of Bar Counsel periodically hold international meetings and routinely address international topics; bar oversight authorities

2010); REAFFIRMING LEGAL ETHICS: TAKING STOCK AND NEW IDEAS (Kieran Tranter, Francesca Bartlett, Lillian Corbin, Reid Mortensen & Michael Robertson eds., 2010). The Sixth Conference did as well. INTERNATIONAL PERSPECTIVES ON THE REGULATION OF LAWYERS AND LEGAL SERVICES (Andrew Boon ed., 2017).

42. AMERICAN BAR ASSOCIATION, PERCEPTIONS OF THE U.S. JUSTICE SYSTEM 59 (1999).

43. For a sampling of my own accounts of flaws in the justice system and bar regulatory structures, see DEBORAH L. RHODE, THE TROUBLE WITH LAWYERS 30-59, 87-120 (2015) and RHODE, *supra* note 15, at 184. For other prominent critiques, see ROBERT A. KAGAN, ADVERSARIAL LEGALISM: THE AMERICAN WAY OF LAW (2001); DAVID LUBAN, LAWYERS AND JUSTICE (1988); David Luban, *The Adversary System Excuse*, in THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS (David Luban ed., 1983); WILLIAM SIMON, THE PRACTICE OF JUSTICE: A THEORY OF LAWYERS' ETHICS (1998).

44. Michael Asimow, *Popular Culture and the Adversary System*, 40 LOY. L.A. L. REV. 653, 657 (2007).

have sponsored five International Conferences of Legal Regulators.⁴⁵ This is not just because many lawyers like to travel. It is also because we have recognized how much we learn from each other. The articles in this symposium are apt illustrations.

II. A ROADMAP FOR THE SYMPOSIUM

The articles that follow raise two core issues in international legal ethics. The first is who should regulate lawyers and how should oversight processes be structured. Leslie Levin, Lynn Mather, and Leny de Groot-van Leeuwen look at the influence of international bar organizations on lawyer regulation.⁴⁶ Kay-Wah Chan and Helena Whalen-Bridge analyze the role of nonlawyers in the disciplinary systems of Japan and Singapore.⁴⁷ Laurel S. Terry and José Carlos Llerena Robles assess the national and international regulators that have been employed to curb lawyers' involvement in illicit money laundering.⁴⁸ Francesca Bartlett and Katalaini Ziru compare the regulatory models of nations in the South Pacific, with particular focus on the reform proposals pending in the Solomon Islands.⁴⁹ Susan Carle, Gayane Davidyan, Thomas McDonald, and Delphine Nougayréde explore oversight of the legal profession in Russia.⁵⁰ It is unique among major world powers in allowing the vast majority of its legal service providers to practice largely without regulation.

The second issue involves professional independence and oversight. James E. Moliterno, Lucia Berdisová, Peter Čurošand, and Ján Mazúr address the tradeoff between autonomy and accountability in the way that EU Policy has responded to Eastern European members.⁵¹ Fryderyk Zoll and Leah Wortham analyze similar issues

45. Terry, *supra* note 13, at 383.

46. Leslie C. Levin, Lynn Mather & Leny de Groot van Leeuwen, *The Impact of International Lawyer Organizations on Lawyer Regulation*, *infra* p. 407.

47. Kay Wah Chan & Helena Whalen Bridge, *Self Regulation of Lawyers' Ethics: Why and Why Not? A Comparative Study of Non-Lawyer Participation in Japanese and Singaporean Lawyer Disciplinary Systems*, *infra* p. 325.

48. Laurel S. Terry & José Carlos Llerena Robles, *The Relevance of FAFT's Recommendations and 4th Round of Mutual Evaluations to the Legal System*, *infra* p. 627.

49. Francesca Bartlett, *Model Laws of the South Pacific: Progressing of Lawyer Regulation and the Case of the Solomon Islands*, *infra* p. 231.

50. Susan Carle, Gaya Davidyan, Thomas McDonald & Delphine Naugayréde, *The Reform of the Russian Legal Profession*, *infra* p. 271.

51. James E., Moliterno, Lucia Berdisova, Peter Curoš & Jan Mazur, *Independence and Accountability: The Harmful Consequences of EU and COE Policy Toward Central and Eastern European Entrants*, *infra* p. 481.

in the context of the Polish judicial system.⁵² Laurel S. Terry and José Carlos Llerena Robles look at the tradeoff in money laundering contexts.⁵³ Helen Kruuse and Philip Genty compare different regulatory approaches in South Africa and the United States as they affect professional autonomy and access to justice.⁵⁴ Neta Ziv explores the challenges facing Palestinian lawyers practicing before Israeli Military Courts in a justice system that they do not recognize, operating under procedural rules that undermine their effectiveness.⁵⁵ Laurène Soubise and Alice Woolley focus on enforcement of prosecutors' obligation to "do justice" in adversarial systems such as that of Canada and to pursue the "public interest" in inquisitorial systems such as that of France.⁵⁶

Taken together, these articles suggest two broader points about the field of international legal ethics. The first is the importance of culturally specific analysis. The rules and norms governing the legal profession are shaped by their nation's particular histories, laws, and ideologies. Regulatory models that are relatively effective in one national or international context may be a poor fit for countries with different experiences. For example, nations with a history of colonial domination (e.g., Ghana and South Africa) or foreign rule (e.g., Palestine), or with no strong traditions of professional independence (e.g., Russia and China), may face special challenges in fashioning appropriate governance structures.

Yet despite these distinctive experiences, the legal professions in virtually all societies face common challenges.⁵⁷ How can the bar regulatory authorities reconcile the need for both independence and accountability? How can they help lawyers compete effectively but also ethically in global markets? How can professional governance structures promote equal access to justice in the face of unequal economic and political resources? There are no simple or single

52. Freyderyk Zoll & Leah Wortham, *Judicial Independence and Accountability: Withstanding Political Stress*, 42 FORDHAM INT'L L.J. (forthcoming 2019).

53. Terry & Robles, *supra* note 48.

54. Helen Kruuse & Philip Genty, *The State's Role in the regulation and Provision of Legal Services in South Africa and the United States: Supporting, Nudging, or Interfering?*, *infra* p. 373.

55. Neta Ziv, *Navigating the Juridical Terrain under Israeli Occupation: Palestinian Lawyers in the Israeli Military Courts*, *infra* at p. 729.

56. Laurène Soubise & Alice Woolley, *Prosecutors and Justice: Insights from Comparative Analysis*, *infra* at 587.

57. Terry, Mark & Gordon, *supra* note 16.

answers, and as Laurèn Soubise and Alice Woolley emphasize, legal ethicists across the globe have a stake in learning from experiences outside their borders.⁵⁸ For that reason, we owe a debt to all who made this Symposium possible.

58. Soubise & Woolley, *supra* note 56.